

Remarks

Claims 62-95 remain in the application. Claims 1-61, standing withdrawn as being drawn to a non-elected invention, have been cancelled, but this does not indicate that the invention of these claims has been abandoned or that the intent to pursue patent protection on this invention has been abandoned.

Claim 1 has been amended to change "microns" to "inches", the basis being found in the specification at page 5, lines 16-26. Claim 1 has also been amended to specify that the mats of the invention pass the National Fire Protection Association's (NFPA) Method #701 Flammability Test, the basis being found in the specification at page 4, lines 15-16. Claim 74 has been amended to include an organic phosphonate, a specific group of flame retardants, with basis being in the specification in the last paragraph of page 5.

The present invention are mats having excellent and unexpected flame resistance, the mat passing the National Fire Protection Association's (NFPA) Method #701 Flammability Test. As pointed out in the specification at page 2, lines 10-21, this property is unique and unexpected in nonwoven mats containing a majority of glass fibers bound together with an organic binder. Such properties are very important to using non-woven mats on ceiling panels and other specialty products.

Claims 62-95 were rejected under 35 USC 112, first paragraph, because of the word "microns" in claim 62. The use of the word "microns" in the instance rejected was a mistake – the word should have been "inches" and that change has been made in this amendment. For this reason, the Applicants believe the claims now meet the requirements of 35 USC 112 and respectfully request the Examiner to withdraw this rejection and to allow all of the claims.

Claims 62-95 were rejected under 35 USC 103 as being unpatentable over Kajander in view of Arkens et al. The Examiner stated that Kajander teaches nonwoven mats containing 25-75 wt. percent glass fibers bound together with 15-75 wt. percent of a resin binder, but not the type of binder used in the invention. The Examiner also stated that Arkens et al teaches a fiber glass nonwoven mat containing a type of binder of the type used in the invention and urges that it would have been obvious to have used the Arkens et al

binder in the mats taught by Kajander instead of the binder taught by Kajander because both patents teach making nonwoven mats of fibers bound with a resin binder.

This rejection and its basis is respectfully traversed. Neither reference teaches that the nonwoven mats disclosed in the references have excellent and unexpected flame resistance and flex and recovery properties after scoring and folding, nor does Arkens et al reasonably suggest that their mats would pass the National Fire Protection Association's (NFPA) Method #701 Flammability Test. Arkens et al teach that their mats are heat resistant, but are silent regarding the flame resistance of their mats. Heat resistant does not mean that the mats are flame resistant or that they would pass the NFPA test.

For these reasons, Applicants believe that the claims are patentable and respectfully requests the Examiner to withdraw this rejection and to allow all of the claims.

Claims 62-95 were rejected under 35 USC 103 as being unpatentable over Jaffee in view of Arkens et al. The Examiner stated that Kajander teaches nonwoven mats containing 70-85 wt. percent glass fibers bound together with 15-30 wt. percent of an acrylic resin binder, but not the type of binder used in the invention. The Examiner also stated that Arkens et al teaches a fiber glass nonwoven mat containing a type of binder of the type used in the invention and urges that it would have been obvious to have used the Arkens et al binder in the mats taught by Kajander instead of the binder taught by Kajander because both patents teach making nonwoven mats of fibers bound with a resin binder.

This rejection and its basis is respectfully traversed. Neither reference teaches that the nonwoven mats disclosed in the references have excellent and unexpected flame resistance and flex and recovery properties after scoring and folding, nor does Arkens et al reasonably suggest that their mats would pass the National Fire Protection Association's (NFPA) Method #701 Flammability Test. Arkens et al teach that their mats are heat resistant, but are silent regarding the flame resistance of their mats. Heat resistant does not mean that the mats are flame resistant or that they would pass the NFPA test.

For these reasons, Applicants believe that the claims are patentable and respectfully requests the Examiner to withdraw this rejection and to allow all of the claims.

Claims 62-95 were rejected under the nonstatutory double patenting doctrine because of the claims in pending patent application Serial No. 10/718,007 in view of Geel. The Examiner states that the claims of the copending application fail to include polymer fibers in the nonwoven mat and that because of the teachings of Geel it would have been obvious to have included polymer fibers in the invention of the other pending application. A terminal disclaimer is enclosed stating that any patent issuing from these claims will expire no later than the expiration date of any patent issuing from application serial number 10/718,007. This terminal disclaimer should overcome this rejection.

Applicants believe that the claims are now in condition for allowance, but if the Examiner believes one or more issues still exist, to expedite disposal of this application the Examiner is respectfully invited to call Applicants' attorney at the number listed below to discuss the issue or issues and a way of removing.

Respectfully submitted,


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